



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail

Marina Leonard
Colianni & Colianni, LLC
2120 Company Street
Christiansted, VI 00820
Tel: (340) 719-1766
marina@colianni.com

Re: Interim Release for Freedom of Information Act Request No. EPA-R2-2021-004137

Dear Ms. Leonard:

This letter concerns the above-referenced Freedom of Information Act ("FOIA") request, received by the U.S. Environmental Protection Agency ("EPA or Agency") on May 5, 2021, in which you requested the following:

"Any and all materials pertaining to the EPA's investigation of the Limetree Bay facility in St. Croix, United States Virgin Islands regarding the gas release on or around April 22, 2021 and on or around May 5, 2021."

On or around June 18, 2021, you further modified the scope of your request to add materials pertaining to the May 12, 2021 incident. You also clarified that you are not requesting internal emails between EPA attorneys and that you are not requesting internal EPA attorney-client communications. You further agreed to receive as an interim release of documents that make up the Administrative Record prepared by EPA in support of an emergency order issued to Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (collectively, "Limetree") by EPA Region 2 pursuant to Clean Air Act section 303, 42 U.S.C. § 7603 ("303 Order" or "Order") on May 14, 2021. EPA released certain of the documents in the Administrative Record to you on July 16, 2021.

On or around July 20, 2021, you further modified the scope of your request to add materials from April 1, 2021 through May 12, 2021. We agreed to use April 1, 2021 as the initial date for the date range of the search for records. As above, you agreed to exclude electronic mails (email) from the search for records. You agreed that the Region will focus its search on records of a technical nature or which are associated with technical data or analysis (e.g., technical documents or memos) relating to the facility and to the incidents which are included in your request. We also agreed to limit EPA's search to documents and records under the custody and control of EPA Region 2. EPA released additional documents to you on July 30, 2021 and on August 11, 2021.

On September 17, 2021, you further modified the scope of your request to add an end date for purposes of EPA's search for records, which is June 25, 2021. We discussed that this date would include the four 303 Order audit reports for audits conducted pursuant to EPA's Clean Air Act section 303 emergency order issued to Limetree and accompanying supporting documents.

Interim Release

Today, EPA is releasing 5 excel spreadsheets of monitoring data and 5 folders of modeling data, in full. The modeling data is part of the Administrative Record for the 303 Order.

Please note that this is an interim response, and the EPA continues to work on your request. EPA anticipates the completion date will be on or prior to November 1, 2021. The FOIAonline record has been updated accordingly.

If you have any questions concerning this response, please contact Eduardo J. Gonzalez of Office of the Regional Counsel at (212) 637-3223, or by email at gonzalez.eduardoj@epa.gov; or contact Jennifer Pierce of Office of Regional Counsel at (212) 637-3228, or pierce.jennifer@epa.gov.

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. Please reference your Freedom of Information Act Request No. EPA-R2-2021-004317 in any correspondence.

Sincerely,

Paul Simon
Deputy Regional Counsel
EPA Region 2

Enclosures (uploaded to FOIA online)